

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Masahiro TAKAHASHI)
)
Serial No.: 10/773,587)
)
Filed: February 6, 2004)
)
For: Light Emitting Device Having Transparent)
Film Varying Refractive Index And)
Manufacturing Method Thereof)
)
Examiner: Sikha Roy)
)
Art Unit: 2879)
)
Confirmation No. 6735
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

WITHDRAWAL OF APPEAL

Applicant is withdrawing the Notice of Appeal filed July 21, 2008 in light of the RCE and amendment filed herewith for the above-identified application.

Withdrawal of Appeal

In response to the Final Rejection of March 19, 2008, Applicant filed Amendment F (After Final) on June 19, 2008. An Advisory Action was issued on July 10, 2008 entering Amendment F.

Thereafter, Applicant filed Amendment G (After Final) on July 18, 2008. This amendment was entered in the Advisory Action of July 31, 2008.

A Notice of Appeal and Pre-Appeal Brief Request For Review were filed on July 21, 2008.

On August 29, 2008, a Notice of Panel Decision from Pre-Appeal Brief Review was mailed with a decision on the pre-appeal brief review stating that the application remains under appeal because there is at least one actual issue for appeal.

Applicant is now withdrawing its Appeal, and filing a RCE and an amendment.

Accordingly, it is respectfully requested that the appeal be withdrawn, and the amendment and RCE entered and considered at this time.

Conditional Extension of Time

As this submission is being filed within one month of the Notice of Panel Decision from Pre-Appeal Brief Review dated August 29, 2008, no extension of time is believed to be necessary. If such an extension of time is needed, please consider this the necessary petition for such an extension of time and please charge our deposit account 50/1039 for any fee due.

Conclusion

It is respectfully requested that the appeal be withdrawn, and the amendment and RCE be entered and considered at this time.

If any fee should be due for this withdrawal of appeal, please charge our deposit account 50/1039.

Favorable consideration is earnestly solicited.

Date: September 16, 2008

Respectfully submitted,

/Mark J. Murphy/

Mark J. Murphy

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